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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,487	09/26/2006	Toshimasa Miyabe	90606.145/ym	2333
54071 YAMAHA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191	7590 10/07/2010		<div>EXAMINER</div> <div>WILLIAMS, MAURICE L</div>	
			<div>ART UNIT</div> <div>3611</div>	<div>PAPER NUMBER</div>
			<div>NOTIFICATION DATE</div> <div>10/07/2010</div>	<div>DELIVERY MODE</div> <div>ELECTRONIC</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/568,487

Applicant(s)

MIYABE, TOSHIMASA

Examiner

MAURICE WILLIAMS

Art Unit

3611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-34, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34, 36 and 37 is/are allowed.
- 6) ☒ Claim(s) 19-33 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/2010 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-25 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamigawa et al. (US 4,989,665). Yamigawa discloses:

A head pipe (**16**) that supports a steering shaft;

a body frame (Fig. 3), including a mainframe (including **20a**, **22a**) extending obliquely along the centerline of the vehicle in a width direction (shown in Fig. 3, which is a top, plan view of the vehicle);

a pair of left and right subframes (**24**) that are connected to left and right sides of the mainframe and extend obliquely downward to the rear (Fig. 1);

a motor (**E**) which is supported by and suspended from the main frame and not supported from below;

a connecting portion of the main frame and subframes is located ahead of a portion of the main frame supporting the motor (**74**, see Fig. 1 – connecting portion at end of wall **22a**), which is at the rear end of the mainframe;

wherein a cross sectional area of the mainframe changes along a longitudinal direction such that the front end is larger than the rear end (see Fig. 3, rear end **74** holding motor is smaller than front end of mainframe).

The subframes include bent portions (Figs. 1, 2; at **34, 48, 54** and end near **72**) which are bent convexly downward and support the motor in at least one location adjacent to the bent portions and further to the rear than the bent portion (**F** is adjacent to bent portions near **72** and further to the rear than the first bent portions **34, 48**), and a portion of the motor (Fig. 1) and the rear arms (**98**) are supported at the rear ends of the subframes (rear arms supported at **52**).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yamigawa in view of Nakamura. Yamigawa discloses as discussed above, but does

not directly disclose rear side frames. Nakamura discloses a motorcycle with side frames (24) which are connected to one another (via rear cowl 25). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Yamigawa as taught by Nakamura in order to provide a means of protecting the driving components of the vehicle.

5. Claims 29-31 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamigawa in view of Okabe (US 2005/026334). Yamigawa discloses as discussed above. While Yamigawa does disclose an engine (E) with a cylinder extending obliquely upward toward the front of the vehicle from the crankcase (Fig. 1), along with subframes with front portions substantially parallel to the axis of the cylinder (Fig. 1), the reference does not directly disclose the type of engine. Okabe discloses a motorcycle with an internal combustion engine (§ 0025, ln. 13-14). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Yamigawa as taught by Okabe by including an internal combustion engine on the vehicle, in order to provide an engine type which is commonly used in motorcycles.

Allowable Subject Matter

6. Claims 34, 36 and 37 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: The examiner was unable to find prior art teaching a body with a main frame

that extends downward toward the rear of the vehicle from the head pipe along a centerline of the width direction of the vehicle; a pair of left and right subframes connected to the left and right sides of the mainframe, extending obliquely downward to the rear; a motor supported and suspended from the body frame, such that the motor is not supported from below; left and right brackets fixed to the subframes and left and right rear arms; wherein a pivot shaft penetrates through both brackets, rear arms, and a motor, wherein the left and right brackets are interposed between the left and right rear arms, and the motor, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is (571)272-4263. The examiner can normally be reached on Mon - Fri, 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571)272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617

/MAURICE WILLIAMS/
Examiner, Art Unit 3611

MLW
September 25, 2010